

**AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE**

Index # 07 CIV 5776

Purchased/Filed: June 18, 2007

STATE OF NEW YORK

UNITED STATES DISTRICT COURT

SOUTHERN COUNTY

Andy McCants

Plaintiff

against

17 Realty NY LLC, Pinnacle Neiss LLC, and Pinnacle Managing Co. LLC

Defendant

STATE OF NEW YORK  
COUNTY OF ALBANY

SS.:


Jessica Miller, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on June 26, 2007, at 11:45am, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed Summons in a Civil Action & Complaint Bearing the above Index # and Filing Date on 17 Realty NY LLC, the Defendant in this action, by delivering to and leaving with Donna Christie, AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40.00 dollars; That said service was made pursuant to Section 303 Limited Liability Company Law.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 38 Approx. Wt: 140 Approx. Ht: 5'6  
Color of skin: White Hair color: Blonde Sex: Female Other: \_\_\_\_\_

Sworn to before me on this

28th day of June 2007

  
DONNA M. TIDINGS  
NOTARY PUBLIC, State of New York  
No. 01T14898570, Albany County  
Term Expires, June 15, 2007

  
Jessica Miller

Invoice•Work Order # 0612583

AO 440 (Rev. 8/01) Summons in a Civil Action

## RETURN OF SERVICE

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE 6/26/07
NAME OF SERVER (PRINT) Jessica Miller	TITLE Process Server

Check one box below to indicate appropriate method of service

- ☒ Served personally upon the defendant. Place where served:  
Served the Defendant, 17 Realty NY LLC, at the Secretary of State, 41 State St.  
Albany NY 12231
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:☐ Other (specify):

## STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
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## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 6/28/07

Date

Signature of Server

279 Washington Ave, Albany NY 12206

Address of Server

Sworn to me  
this 28th day of June, 2007


DONNA M. TIDINGS  
Notary Public, State Of New York  
No. 01T14898570  
Qualified In Albany County  
Commission Expires June 15, 2007

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.